

II. REMARKS

A. Status

Claims 23, 30 and 31 are pending, all of which are independent.

In the Office Action, claim 23 was rejected under 35 U.S.C. § 102(e) as being anticipated by Wainwright (U.S. Patent No. 6,889,374, hereinafter “Wainwright”). Office Action at 2. Claims 30-31 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. *Id.* at 3-4. Claims 30-31 were rejected under 35 U.S.C. § 103(a) as being obvious over Wainwright in view of Perry et al. (U.S. Patent No. 6,917,369, hereinafter “Perry”). *Id.* at 4.

In this amendment, claim 23 has been cancelled and claims 30-31 have been amended to overcome the rejections. Care has been exercised not to introduce new matter.

B. Rejection of Claim 23 Is Moot

Claim 23 was rejected under 35 U.S.C. § 102(e) as being anticipated by Wainwright. Office Action at 2. Claim 23 has been cancelled. Amendment at 2. Therefore, this rejection is moot.

C. Claims 30 and 31 Are Definite

Claims 30-31 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. Office Action at 3-4. Specifically, the rejection asserts that in these claims it is unclear as how the information “that denotes whether the cell’s center exists inside or outside the subject solid” is related or contributes to the other claimed features. *Id.* at 4.

Claims 30-31 are amended to address this issue. Amendment at 2-3. Claims 30-31 now relate the solid shape to a three dimensional bit map. Each claim recites: “a subject solid shape existing in a three-dimensional space with use of a three-dimensional bit map having a cell.” *Id.* The later recitations regarding the cell center in turn refer to this solid shape.

Hence, the claims clearly relate to the aspects of the grid cells to the solid shape in a clear and concise manner. Therefore, Applicant respectfully request that the rejection be withdrawn.

D. Claims Are Not Obvious

Claims 30-31 were rejected under 35 U.S.C. § 103(a) as being obvious over Wainwright in view of Perry. Office Action at 4. The rejection is respectfully traversed for the following reasons.

As the Office Action pointed out, Wainwright does not teach the claimed cell information and relies on Perry to provide further support. *Id.* However, Perry is not a suitable prior art reference because the earliest possible date is only March 25, 2003, the filing date of its parent. Perry at Cover. That date is later than the September 19, 2002 US filing date of the parent of the subject case (and its earlier claimed priority date), so Perry cannot be used as a prior art reference and cannot be combined with Wainwright.

Accordingly, claims 30-31 should be allowed.

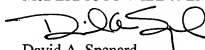
III. CONCLUSION

In conclusion, Applicant respectfully submits that the claims are now in condition for allowance.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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